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Attorney for: Defendant Gregory Burleson

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES,

Plaintiff,

vs.

GREGORY BURLESON,

Defendant.

No. 2:16-cr-046-GMN-NJK

CITATION OF SUPPLEMENTAL  
AUTHORITIES RE SEALED MOTION FOR  
NEW TRIAL [E.C.F. No. 3422]

**CERTIFICATION: This Supplemental Authorities Notice is timely filed.**

Defendant Gregory Burleson hereby submits this notice of supplemental authorities relating to his pending sealed motion for new trial.

1. *Unites States v. Cliven Bundy, et al.*, \_\_\_ F.3d \_\_\_ (9<sup>th</sup> Cir. No. 18-10287, August 6, 2020). This Ninth Circuit published opinion released yesterday affirms this Court's dismissal with prejudice of all charges against the Tier 1 defendants (the alleged ringleaders). It contains numerous findings and conclusions that support defendant's motion for new trial. A copy of the Ninth Circuit's opinion is attached.
2. *United States v. Todd Engel*, \_\_\_ F.3d \_\_\_ (9<sup>th</sup> Cir. No. 18-10293, August 6, 2020). This separate Ninth Circuit published opinion, also released yesterday, vacates co-

1 defendant Todd Engels' conviction and remands for a possible new trial. A copy of  
2 the Ninth Circuit's opinion is attached.

3 The *Bundy* and *Engel* rulings taken together make Mr. Burleson the only one of the over  
4 two dozen defendants in this case to have been subjected to a substantial prison sentence (68  
5 years and 3 months).

6 3. The First Step Act, P.L. 115-391-December 21, 2018, 132 Stat. 5222, § 403. Under  
7 this law, if Mr. Burleson had been sentenced 17 months later, or if he is now  
8 resentenced for any reason, his aggregate 68 year sentence would be very  
9 substantially reduced.

10 DATED August 7, 2020

Respectfully submitted,

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12 // s // Mark D. Eibert

MARK D. EIBERT

Counsel for Defendant Gregory Burleson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that his business mailing address is P. O. Box 1126, Half Moon Bay, CA 94019, that he is not a party to this action, that he is a citizen of the United States of such age and discretion to be competent to serve papers, and that on the below date he caused a true and accurate copy of

DEFENDANT GREGORY BURLESON'S CITATION OF SUPPLEMENTAL AUTHORITIES

To be served via ECF on the United States District Court, which will e-serve counsel of record in this case, including the following:

NANCY M. OLSON, ESQ. Counsel for the government  
Assistant United States Attorney  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, NV 89101

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on August 7, 2020 at Half Moon Bay, California.

*/s/ Mark D. Eibert*